



General Assembly

Substitute Bill No. 952

January Session, 2011

* SB00952JUD__040711__ *

AN ACT CONCERNING THE ENHANCED PENALTY FOR THE SALE OR POSSESSION OF DRUGS NEAR SCHOOLS, DAY CARE CENTERS AND PUBLIC HOUSING PROJECTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-267 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) No person shall use or possess with intent to use drug
4 paraphernalia, as defined in subdivision (20) of section 21a-240, to
5 plant, propagate, cultivate, grow, harvest, manufacture, compound,
6 convert, produce, process, prepare, test, analyze, pack, repack, store,
7 contain or conceal, or to ingest, inhale or otherwise introduce into the
8 human body, any controlled substance as defined in subdivision (9) of
9 section 21a-240. Any person who violates any provision of this
10 subsection shall be guilty of a class C misdemeanor.

11 (b) No person shall deliver, possess with intent to deliver or
12 manufacture with intent to deliver drug paraphernalia knowing, or
13 under circumstances where one reasonably should know, that it will
14 be used to plant, propagate, cultivate, grow, harvest, manufacture,
15 compound, convert, produce, process, prepare, test, analyze, pack,
16 repack, store, contain or conceal, or to ingest, inhale or otherwise
17 introduce into the human body, any controlled substance. Any person
18 who violates any provision of this subsection shall be guilty of a class
19 A misdemeanor.

20 (c) Any person who violates subsection (a) or (b) of this section in or

21 on, or within one thousand five hundred feet or, in a town having a
22 population in excess of sixty thousand, two hundred feet of the
23 perimeter of, the real property comprising a public or private
24 elementary or secondary school during regular school hours or the
25 hours of any school-sponsored activity conducted on such property
26 where students are present and who is not enrolled as a student in
27 such school shall be imprisoned for a term of one year, which [shall not
28 be suspended and] shall be in addition and consecutive to any term of
29 imprisonment imposed for violation of subsection (a) or (b) of this
30 section.

31 Sec. 2. Section 21a-278a of the general statutes is repealed and the
32 following is substituted in lieu thereof (*Effective October 1, 2011*):

33 (a) Any person eighteen years of age or older who violates section
34 21a-277 or 21a-278, and who is not, at the time of such action, a drug-
35 dependent person, by distributing, selling, prescribing, dispensing,
36 offering, giving or administering any controlled substance to another
37 person who is under eighteen years of age and is at least two years
38 younger than such person who is in violation of section 21a-277 or 21a-
39 278, shall be imprisoned for a term of two years, which shall not be
40 suspended and shall be in addition and consecutive to any term of
41 imprisonment imposed for violation of section 21a-277 or 21a-278.

42 (b) Any person who violates section 21a-277 or 21a-278 by
43 manufacturing, distributing, selling, prescribing, dispensing,
44 compounding, transporting with the intent to sell or dispense,
45 possessing with the intent to sell or dispense, offering, giving or
46 administering to another person any controlled substance in or on, or
47 within one thousand five hundred feet or, in a town having a
48 population in excess of sixty thousand, two hundred feet of the
49 perimeter of, the real property comprising (1) a public or private
50 elementary or secondary school [, a public housing project] during
51 regular school hours or the hours of any school-sponsored activity
52 conducted on such property where students are present, or (2) a
53 licensed child day care center, as defined in section 19a-77, [that]

54 during the operating hours of such center, which center is identified as
55 a child day care center by a sign posted in a conspicuous place, shall be
56 imprisoned for a term of three years, which [shall not be suspended
57 and] shall be in addition and consecutive to any term of imprisonment
58 imposed for violation of section 21a-277 or 21a-278. To constitute a
59 violation of this subsection, an act of transporting or possessing a
60 controlled substance shall be with intent to sell or dispense in or on, or
61 within one thousand five hundred feet or, in a town having a
62 population in excess of sixty thousand, two hundred feet of the
63 perimeter of, the real property comprising (A) a public or private
64 elementary or secondary school [, a public housing project] during
65 regular school hours or the hours of any school-sponsored activity
66 conducted on such property where students are present, or (B) a
67 licensed child day care center, as defined in section 19a-77, [that]
68 during the operating hours of such center, which center is identified as
69 a child day care center by a sign posted in a conspicuous place. [For
70 the purposes of this subsection, "public housing project" means
71 dwelling accommodations operated as a state or federally subsidized
72 multifamily housing project by a housing authority, nonprofit
73 corporation or municipal developer, as defined in section 8-39,
74 pursuant to chapter 128 or by the Connecticut Housing Authority
75 pursuant to chapter 129.]

76 (c) Any person who employs, hires, uses, persuades, induces,
77 entices or coerces a person under eighteen years of age to violate
78 section 21a-277 or 21a-278 shall be imprisoned for a term of three
79 years, which shall not be suspended and shall be in addition and
80 consecutive to any term of imprisonment imposed for violation of
81 section 21a-277 or 21a-278.

82 Sec. 3. Section 21a-279 of the general statutes is repealed and the
83 following is substituted in lieu thereof (*Effective October 1, 2011*):

84 (a) Any person who possesses or has under his control any quantity
85 of any narcotic substance, except as authorized in this chapter, for a
86 first offense, may be imprisoned not more than seven years or be fined

87 not more than fifty thousand dollars, or be both fined and imprisoned;
88 and for a second offense, may be imprisoned not more than fifteen
89 years or be fined not more than one hundred thousand dollars, or be
90 both fined and imprisoned; and for any subsequent offense, may be
91 imprisoned not more than twenty-five years or be fined not more than
92 two hundred fifty thousand dollars, or be both fined and imprisoned.

93 (b) Any person who possesses or has under his control any quantity
94 of a hallucinogenic substance other than marijuana or four ounces or
95 more of a cannabis-type substance, except as authorized in this
96 chapter, for a first offense, may be imprisoned not more than five years
97 or be fined not more than two thousand dollars or be both fined and
98 imprisoned, and for a subsequent offense may be imprisoned not more
99 than ten years or be fined not more than five thousand dollars or be
100 both fined and imprisoned.

101 (c) Any person who possesses or has under his control any quantity
102 of any controlled substance other than a narcotic substance, or a
103 hallucinogenic substance other than marijuana or who possesses or has
104 under his control less than four ounces of a cannabis-type substance,
105 except as authorized in this chapter, for a first offense, may be fined
106 not more than one thousand dollars or be imprisoned not more than
107 one year, or be both fined and imprisoned; and for a subsequent
108 offense, may be fined not more than three thousand dollars or be
109 imprisoned not more than five years, or be both fined and imprisoned.

110 (d) Any person who violates subsection (a), (b) or (c) of this section
111 in or on, or within one thousand five hundred feet or, in a town having
112 a population in excess of sixty thousand, two hundred feet of the
113 perimeter of, the real property comprising (1) a public or private
114 elementary or secondary school during regular school hours or the
115 hours of any school-sponsored activity conducted on such property
116 where students are present and who is not enrolled as a student in
117 such school, or (2) a licensed child day care center, as defined in
118 section 19a-77, [that] during the operating hours of such center, which
119 center is identified as a child day care center by a sign posted in a

120 conspicuous place, shall be imprisoned for a term of two years, which
121 [shall not be suspended and] shall be in addition and consecutive to
122 any term of imprisonment imposed for violation of subsection (a), (b)
123 or (c) of this section.

124 (e) As an alternative to the sentences specified in subsections (a) and
125 (b) and specified for a subsequent offense under subsection (c) of this
126 section, the court may sentence the person to the custody of the
127 Commissioner of Correction for an indeterminate term not to exceed
128 three years or the maximum term specified for the offense, whichever
129 is the lesser, and at any time within such indeterminate term and
130 without regard to any other provision of law regarding minimum term
131 of confinement, the Commissioner of Correction may release the
132 convicted person so sentenced subject to such conditions as he may
133 impose including, but not limited to, supervision by suitable authority.
134 At any time during such indeterminate term, the Commissioner of
135 Correction may revoke any such conditional release in his discretion
136 for violation of the conditions imposed and return the convicted
137 person to a correctional institution.

138 (f) To the extent that it is possible, medical treatment rather than
139 criminal sanctions shall be afforded individuals who breathe, inhale,
140 sniff or drink the volatile substances defined in subdivision (49) of
141 section 21a-240.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	21a-267
Sec. 2	October 1, 2011	21a-278a
Sec. 3	October 1, 2011	21a-279

JUD *Joint Favorable Subst.*